

APPROVING AN AMENDMENT TO CHAPTER 1 GENERAL PROVISIONS, ARTICLE 1.09 PARKS AND RECREATION, SECTION 1.09.011 PENALTIES, TO MOVE PENALTIES TO A NEW SECTION 1.09.012, AND ADDING A SECTION 1.09.011 VARIANCES.

WHEREAS the City of Leon Valley is committed to providing its citizens with a superior and varied Parks, Open Space and Recreation program; and

WHEREAS the City of Leon Valley has had several requests for variances to the code for special events and activities which may enhance the recreational opportunities for the citizens; and

WHEREAS the current code does not allow for variances:

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS THAT:

1. Chapter 1 General Provisions, Article 1.09 Park Resource Usage, Section 1.09.011 "Penalties" is re-numbered to be Section 1.09.012, leaving sub-paragraphs (a) and (b) unchanged; and
2. Add a Section 1.09.011, to read "Variances

Request for Variance.

(1) A person, agency, or organization may file a written request for a variance from this Article. The request must contain the following information:

(A) The specific nature of the variance requested;

(B) A detailed explanation of why the person, agency, or organization believes they should be granted the variance, including any supporting documentation; and

(C) A signed statement that the facts contained in the request are true and within the person's personal knowledge.

(2) The Park Commission will hear requests for variances and make recommendations regarding the granting of a variance to the City Council.

(3) The Park Commission may request the person, agency, or organization to provide additional information, which must be filed within ten days of the request or as otherwise directed in the request.

(4) When variances may be granted.

(A) A variance to the Park ordinance may be granted when the request is consistent with the goals of this Article; and

(B) Granting the variance will not cause significant harm to any other person or group of persons or result in the city being in violation of regulatory requirements; and

(C) The activity being granted will not disturb the peace and dignity of the surrounding residential neighborhoods.

(5) Terms and conditions of variance.

(A) The City Council may grant a variance for such a term and in accordance with any conditions the city deems appropriate consistent with the requirements of subparagraph (4) above.

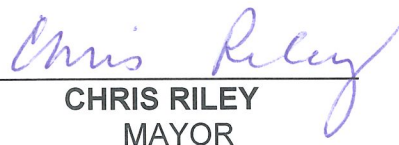
(B) It is a term of every variance granted by the city that the variance may be rescinded based on changed circumstances, new information, or failure of the holder of the variance to abide by the terms and conditions of the variance or to comply with these rules or any other order or rule of the city.


(C) The city may require a person granted a variance to file reports with the city containing such information as the city believes relevant to monitoring the continuing appropriateness of the variance”.

3. This ordinance shall become effective on and after its passage, approval, and publication, as prescribed by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 1st day of December, 2015.

APPROVED


CHRIS RILEY
MAYOR

Attest: 
SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: 
PATRICK BERNAL
City Attorney

